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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,059	07/31/2003	Don Rutledge Day	AUS920030562US1	3506

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EXAMINER	
WHIPPLE, BRIAN P	

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/631,059	DAY ET AL.	
	Examiner	Art Unit	
	Brian P. Whipple	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/13/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending in this application and presented for examination. Claims 19-20 were added in the amendment entered on 5/07/07.

2. The amendment received on 5/07/07 has been entered and made of record.

Response to Arguments

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 5-9, 11-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell et al. (Daniell), U.S. Publication No. 2004/0158609 A1, in view of Horvitz et al. (Horvitz), U.S. Publication No. 2004/0003042 A1.

6. As to claim 1, Daniell discloses a method in a data processing system for managing a messaging session (Abstract), said method comprising the steps of:

detecting an input device activity by a participant with a messaging application (Abstract, ln. 10-13; [0036], ln. 16-18);

resetting an internal timer within the messaging application in response to said detecting the input device activity by the participant with the messaging application ([0036], ln. 16-21; [0100], ln. 7-13);

in response to said internal timer exceeding a specified time limit, determining the participant has disengaged activity in the messaging session ([0036], ln. 16-21);

determining a current activity of the participant ([0036], ln. 16-21; [0100], ln. 7-13);

detecting a preference set by the participant, wherein said preference determines how a status indication is displayed to the message recipient (Fig. 11); and

transmitting the status indication in accordance with said preference to a message recipient in the messaging session, wherein the status indication indicates the current activity of the participant (Fig. 11; [0093], ln. 1-5).

Daniell is silent on said determining further comprises determining what application is receiving the input device activity by the participant.

However, Horvitz discloses said determining further comprises determining what application is receiving the input device activity by the participant (Abstract, ln. 8-11; [0100], ln. 7-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Daniell by determining what application is receiving input device activity by a participant as taught by Horvitz in order to facilitate real-time,

peri-real time, and/or long-term planning for messaging and collaboration by providing information on a user's location and/through application usage (Horvitz: [0007], ln. 9-17).

7. As to claim 2, Daniell and Horvitz disclose the invention substantially as in parent claim 1, including the status indication is a textual message to the recipient (Fig. 11; [0093], ln. 1-5).

8. As to claim 3, Daniell and Horvitz disclose the invention substantially as in parent claim 1, including the status indication is a graphic presented to the message recipient (Fig. 7-8).

9. As to claim 5, Daniell and Horvitz disclose the invention substantially as in parent claim 1, including the step of determining a current activity of the participant comprises determining a current activity of the participant with a hardware system component of the data processing system (Daniell: [0036], ln. 16-21; [0100], ln. 7-13).

10. As to claim 6, Daniell and Horvitz disclose the invention substantially as in parent claim 1, including the step of determining a current activity of the participant comprises determining a current activity of the participant with a software system component of the data processing system (Daniell: [0100], ln. 7-10; Horvitz: Abstract, ln. 8-11; [0100], ln. 7-11).

11. As to claim 19, Daniell and Horvitz disclose the invention substantially as in parent claim 1, including the current activity of the participant comprises utilization of a telephone system during the messaging session (Horvitz: [0076], ln. 14-15).

12. As to claim 20, the claim is rejected for the same reasons as claim 19 above.

13. As to claims 7 and 13, the claims are rejected for the same reasons as claims 1 and 19 above.

14. As to claims 8 and 14, the claims are rejected for the same reasons as claim 2 above.

15. As to claims 9 and 15, the claims are rejected for the same reasons as claim 3 above.

16. As to claims 11 and 17, the claims are rejected for the same reasons as claim 5 above.

17. As to claims 12 and 18, the claims are rejected for the same reasons as claim 6 above.

18. Claims 4, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell and Horvitz as applied to claims 1, 7, and 13 above, and further in view of Theimer et al. (Theimer), U.S. Patent No. 5,493,692.

19. As to claim 4, Daniell and Horvitz disclose the invention substantially as in parent claim 1, including presenting a status indication to a message recipient (Abstract, ln. 10-13; [0093], ln. 1-5), but are silent on the message recipient specifies how the indication is presented to the message recipient.

However, Theimer discloses the message recipient specifies how the indication is presented to the message recipient (Fig. 1; Col. 24, ln. 8-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Daniell and Horvitz by enabling the message recipient to specify how an indication is presented to the message recipient as taught by Theimer in order to enable a user to tailor the delivery of an indication to his or her location and/or available devices (Theimer: Col. 24, ln. 8-48) in order to increase privacy relative to other users in proximity to the user (Theimer: Col. 24, ln. 8-48).

20. As to claims 10 and 16, the claims are rejected for the same reasons as claim 4 above.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571) 270-1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPW

Brian P. Whipple
6/26/07

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

7/5/7